IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 8918 of 2007(S)

OA.446/2005 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
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PETITIONERS:
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1. UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, NEW DELHI - 110 001.

2. DEFENCE PENSION DISBURSING OFFICER 185 POLAYATHODU, KOLLAM - 691 010.

3. CONTROLLER OF DEFENCE ACCOUNTS 618 ANNA SALAI, TEYNAMPET, CHENNAI - 600 018.

BY ADV. SRI.THOMASMATHEW NELLIMOOTTIL,SR.PANEL

RESPONDENT:

SUDHAKUMARI.C.(SUDHA C), W/O.R.THIRUMONEY MULAKKAL HOUSE, THEVALLY, KOLLAM - 691 011

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.8918 OF 2007 (S)

Dated this the 19th day of March, 2007

J U D G M E N T

KOSHY,J.

Respondent in this case was employed as a Part-Time Sweeper from 28.1.1993 onwards and she was continuously doing the work except on intermittent compulsory breaks. After giving due notice, respondent's service was terminated. Against this respondent approached the Tribunal. Tribunal had passed an interim order that if any person is employed as Part-Time Sweeper, she should be employed and thus she was given employment. Tribunal by Ext.P1 order directed that she should be given all the benefits as Part-Time Sweeper from 28.1.1993 onwards, after considering the entire facts and as she was working for 11 years. Decision of the Tribunal is based on evidence and undisputed facts. It is contended that the order of the Tribunal is contrary to the decision of the Hon'ble Supreme Court in ***Secretary, State of Karnataka***

and others v. Umadevi (3) and others ((2006) 4 SCC 1). None of the directions in the above decision are applicable in this case as the only direction is to give all the benefits as Part-Time Sweeper, as admittedly she was continuously working from 28.1.1993 onwards. We see no ground to interfere in the order exercising powers under Article 227 of the Constitution of India as there is no patent error of law or perverse findings. Hence this writ petition is dismissed.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007